

REMARKS

The Examiner has rejected all of the claims under 35 USC 103(a) as being unpatentable over U.S. Patent No. 6,182,712 to Hunt et al. (hereinafter Hunt) in view of U.S. Patent No. 6,343,298 to Savchenko et al. (hereinafter Savchenko).

Applicants' invention as claimed in claims 1, 10 and 20 can be clearly distinguished from Hunt in that Applicants' invention requires *highlighted expansion cues* to determine whether to play a second segment. Hunt contains no such limitation. Further, the user must select the cue *prior to termination* of the segment being played.

The Examiner has stated in the Response to Arguments section on p. 9 of the Office Action dated 11/08/2002 that "In a video game or similar program, the user highlights one of "several different alternatives" to determine where the clip will traverse to next" (emphasis added). The Examiner is mistaken in equating this with Applicant's invention, in that while Savchenko requires the *user* to highlight an alternative, Applicant's *system or software* highlights a visual cue to make it more visible to the user. Thus a clear distinction between the functionality of the two can be made. Applicant's invention highlights the cue to show the user where to select. Savchenko's process uses highlighting to indicate which cue the user has already selected.

The Examiner vaguely refers to Savchenko columns 1-2 to anticipate Applicant's highlighted expansion cues. As stated in the previous response, nowhere in this section does Savchenko describe a *highlighted visual cue* that the user can select *prior to termination* of the segment being played.

Savchenko makes no mention of expansion cues highlighted prior to user action. Rather, the Background in Savchenko states that the playback switches from clip to clip in response to user input:

“Many multimedia programs and games use a number of media clips that are tied together into a cohesive story under program control or according to user actions. This requires that a program or game be able to instantly switch from one continuous clip to another in response to user input, without any discernible rendering discontinuity or gap between clips. Such gaps are referred to as “seams.” A continuous branch, without discontinuities, is referred to as a “seamless” jump or branch.” (col. 1, lines 43-51)

But what kind of input? Savchenko goes on to describe an example of a video game in which a user’s choices in the game influence the order in which video clips are played.

“As a specific example, a video game utilizes audio and video clips while allowing users to influence the particular sequence of rendered video clips. In some games, for instance, a user can manipulate a mouse or a joystick to change story lines and influence game outcomes. As the user makes choices, the game responds so that the audio and video appear to flow seamlessly. In many cases, the user at some point will have several different alternatives, and the game must react immediately to whichever of the alternatives is actually chosen by the user.” (col. 1, lines 51-60)

In this example, Savchenko describes using a joystick to change story lines as the game progresses. A seasoned gamer or programmer reading this would envision that if the player moves the joystick to the left, a video clip showing the scene to the left of the player’s character is displayed. Similarly, if the player steers his or her character into another character or a wall, a video clip of an explosion or the like would be shown.

Applicant also disagrees with Examiner’s interpretation of Savchenko with regards to Claims 2 and 11, which are clearly distinguishable from Hunt and Savchenko. Neither return play to the *original* segment *where the play stopped*. They only teach continuous play from the original segment to another *complete* segment. Examiner has relied on Savchenko, which Examiner quotes as saying the clips are bridged such that the

segments progress sequentially. It is unclear how a sequential progression (i.e., $A \rightarrow B \rightarrow C$ or $A \rightarrow B \rightarrow A$) can be equated with a return to a position somewhere between the ends of the original segment (i.e., part of $A \rightarrow B \rightarrow$ remainder of A). Clarification is again respectfully requested.

Claims 2-9 depend from the amended claim 1, and claims 11-19 depend from the amended claim 10. By virtue of their dependency from the amended claims 1 and 10, claims 2-9 and 11-19 are now also believed to be allowable.

CONCLUSION

Claims 1-20 remain pending. Based upon the foregoing amendment and remarks, it is respectfully submitted that claims 1-20 are in condition for allowance. Accordingly, early reconsideration and issuance of a patent are respectfully requested.

Respectfully submitted,

By: 

Dominic Kotab
Reg. No. 42,762

Date: 1/8/02

Silicon Valley IP Group, LLC
P.O. Box 721120
San Jose, California 95172-1120
Telephone: (408) 971-2573
Facsimile: (408) 971-4660